

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06cr16**

UNITED STATES OF AMERICA

vs.

JUSTIN MATTHEW

)
)
)
)
)
)
)

ORDER

THIS MATTER is before the Court upon motion of the defendant to reopen the detention hearing. (Doc. No. 10).

The defendant is charged with possession with intent to distribute marijuana and possession of two handguns in furtherance of a drug trafficking crime. (Doc. No. 1: Indictment). Pursuant to § 3145(f), the defendant seeks to reopen the detention hearing to present evidence unknown at the time the magistrate judge entered the detention order on March 13, 2006. (Doc. No. 6).

The new information proffered by the defendant involves his status as a college student and his enrolment in drug treatment classes in jail. (Doc. No. 10: Motion at ¶ 3). Upon review of the record, even in a light most favorable to the defendant, the Court finds the circumstances alleged by the defendant are insufficient for this Court to alter the Order of Detention, particularly in light of the magistrate judge's finding that the defendant has a significant record, including failures to appear and a probation revocation, and strong evidence of the charges, including drugs, loaded guns, and bulletproof vest. (Doc. No. 6).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the U.S. Probation office.

Signed: April 5, 2006

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

